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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/163,259	09/29/98	ADAMS	F 4167-13

EXAMINER

PM92/0217

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MCALLISTER, S

ART UNIT

PAPER NUMBER

3652

DATE MAILED:

02/17/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/163,259

Applicant(s)  
Adams et al

Examiner  
Steven B. McAllister

Group Art Unit  
3652



☒ Responsive to communication(s) filed on Dec 6, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) 7 and 9-18 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6, 8, and 19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aulanko et al (EP 0710618) in view of Gale (1,132,769).

Aulanko et al disclose a hoistway (col. 2, lines 58-9); an elevator car 1; a counterweight 2; a drive motor 6 between the elevator car and side wall which couples the car and counterweight

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via the rope 3. Aulanko et al do not disclose a flat drive rope. Gale discloses a flat drive rope 11. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Aulanko et al by using flat rope of Gale in order to produce a large friction surface.

3. Claims 2-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aulanko et al in view of Gale as applied to claim 1 above, and further in view of Olsen.

In addition to all elements of claim 1, Aulanko et al in view of Gale disclose first and second columns 11, 11a; and a support member between them 20. Aulanko et al in view of Gale do not disclose that the columns are on opposite side of the hoistway. Olsen disclose columns 28 on opposite sides of the hoistway. It would have been obvious to one of ordinary skill in the art to further modify the columns of Aulanko et al by moving them to opposite sides of the shaft as taught by Olsen in order to facilitate use of the columns for guide both the elevator car and counterweight.

As to claim 3, Aulanko et al disclose a counterweight 2 below the drive sheave 7 and between the car 1 and the wall.

As to claims 4 and 5, Aulanko et al disclose counterweight sheave 9 on top of the counterweight and two elevator sheaves 4 under the elevator, the elevator rope having both ends 13, 14 terminated in the top portion of the hoistway, the rope extending down from the first end 13, looping the counterweight sheave, going up and looping the drive sheave 7, going down under the car and looping each car sheave and terminating at the second end 14.

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As to claim 6, Aulanko et al disclose the first end 13 terminated to the support member 20 (see Fig. 1).

As to claim 8, Olsen discloses that the first and second columns have first and second vertical guide members 36 corresponding to the path of the elevator; and that the elevator has opposing surfaces 35 shaped to be moveably engageable with the elevator guide surfaces.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson (1,035,230).

Pearson discloses a hoistway (Fig. 1); a car 10; a counterweight 11; one or more flat ropes 12 suspending the car and counterweight; and a drive machine 15 located to one side of the travel path of the car, the drive machine engaging the flat ropes through a traction drive (see Fig. 2). Pearson does not disclose that the hoistway is has walls. However, it is well known in the art to enclose a hoistway with walls. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Pearson by enclosing the hoistway with walls in order to protect the system from the elements, such as wind. It is noted that drive unit 15 is located between the car and the wall located next to it (to the left of the car in Fig. 2).

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*Response to Arguments*

5. Applicant's arguments with respect to claims 1-6 and 8 have been considered but are moot in view of the new ground(s) of rejection.


*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

  
Steven B. McAllister

February 8, 2000

 2/9/00  
ROBERT P. OLSZEWSKI  
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